

REMARKS

Claims 1-7, 9-10, and 12-17 were pending in the present application. By virtue of this amendment, claims 1-7, 9-10, and 12-17 have been cancelled, and new claims 18-24 are added. Support for the new claims is found throughout the specification, and thus, it is believed that no new matter has been added. The cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Claims 18-24 are presently pending.

Formal Matters

Applicants are most grateful for the time and effort of the Examiner in the interviews with the undersigned and in her review of the pending claims.

Applicants gratefully acknowledge the entry of the amendments submitted in Paper No. 7 (9/10/02) and Paper No. 10 (2/6/03). The claims at issue in these Papers are canceled herein, rendering these amendments moot.

The Action states that the claims cannot be allowed prior to the receipt of a subsequent oath or declaration. A supplemental Oath/Declaration Under 37 C.F.R. § 1.75(b)(1) is submitted herewith. *See* Exhibit A.

The Action states that the claims cannot be allowed before the original letters patent is received. The original patent is enclosed herewith. *See* Exhibit B.

Applicants gratefully acknowledge the Examiner's indication of allowable claim language.

Summary of Examiner Interview

Applicants thank the Examiner for the interview granted on September 12, 2003. The suggestions made by Examiner Mertz were very helpful. The examiner indicated that the claims should be drawn to the sequence encoding the full length polypeptide. If so, she indicated that such

claims would be allowable. She further suggested the submission of a draft set of new claims for her review prior to the formal submission.

Examiner Mertz graciously teleconferenced with the undersigned again on October 15, 2003, regarding the draft claim set. The examiner indicated that the limitation of "antigenic" should be removed from pending claim 2 because it unnecessarily limits the claim. The examiner indicated that the submitted claims were otherwise allowable.

Rejections Under 35 U.S.C § 112, First Paragraph

Claims 1, 3-7, 9-10, and 12-17 are rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement and written description for reasons of record. Claims 3-4 also are rejected under 35 U.S.C. § 112, first paragraph as allegedly containing new matter. Applicants traverse these rejections.

Applicants respectfully submit that the rejections are rendered moot in view of the newly amended claims. Therefore, Applicants request the withdrawal of these rejections.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 3-4, 14, and 16-17 are rejected under 35 U.S.C. § 112, first paragraph as allegedly being indefinite for reasons of record. Applicants traverse this rejection.

Applicants respectfully submit that the rejections are rendered moot in view of the newly amended claims. Therefore, Applicants request the withdrawal of these rejections.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass claims 18-24 to allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 140942000201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Laurie L. Hill, Ph.D.

Registration No.: 51,804

MORRISON & FOERSTER LLP

3811 Valley Centre, Suite 500

San Diego, California 92130

(858) 720-7955

Attorney for Applicant